



#27  
*[Signature]*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	
	:	
HARUO SUGANO et al.	:	Art Unit 1804
	:	
Serial No.: 08/400,179	:	Examiner: J. Martinell
	:	
Filed: March 6, 1995	:	
	:	
FOR: NOVEL DNA AND	:	
RECOMBINANT PLASMID	:	

September 21, 1995

Assistant Commissioner for Patents  
Washington, D.C. 20231

DECLARATION

Sir:

The above-identified application discloses a microorganism strain which has been deposited with the American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852 under the following designation:

*Escherichia coli*, TPIF 319-13 (ATCC 31712)

The deposit has been made by Juridical Foundation, Japanese Foundation for Cancer Research. Access to the deposit will be accorded to the Commissioner upon request and there are no restrictions upon availability to the public. The deposited material will be maintained by the American Type Culture Collection until at

0000A6AU.W51

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231

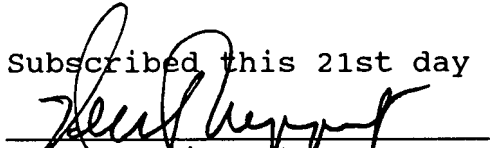
on	9-21-95	NELS T. LIPPERT
	Date of Deposit	Name of Attorney for Applicant
<i>[Signature]</i>	9-21-95	<i>[Signature]</i>
	Date of Signature	

least the year 2025 or five years after the date of the most recent request for a sample, whichever is longer. A copy of a declaration from the American Type Culture Collection assuring this maintenance period is also attached.

The culture will be replaced if it becomes non-viable.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Subscribed this 21st day of September, 1995

  
Nels T. Lippert  
Applicants Attorney  
(Reg. No. 25,888)



**American Type Culture Collection**  
Best Available Copy

12301 Parklawn Drive, Rockville, Maryland 20852-1776 USA

SINCE 1925, AN INDEPENDENT, NOT-FOR-PROFIT ORGANIZATION DEVOTED TO THE PRESERVATION AND DISTRIBUTION OF REFERENCE CULTURES

**DECLARATION**

We hereby declare that:

A culture of *Escherichia coli*, TPIF-319-13 (ATCC 31712), was deposited in the American Type Culture Collection on September 16, 1980, and has been freely available to the scientific public since that date, and will continue to be publicly available until at least the year 2025, or five years after the date of the most recent request for a sample, whichever is longer.

American Type Culture Collection

*FP Simione*

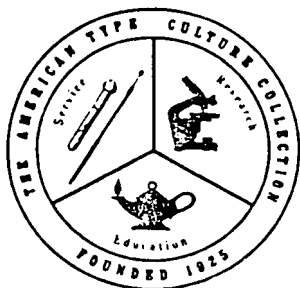
Frank P. Simione  
Acting Director, ATCC Patent Depository

Date: September 21, 1995

**AFFILIATED ORGANIZATIONS**

American Association of Immunologists · American Institute of Biological Sciences · American Phytopathological Society · American Society for Biochemistry and Molecular Biology · American Society for Cell Biology · American Society for Microbiology · American Society for Virology · American Society of Human Genetics · American Society of Parasitologists · American Society of Tropical Medicine and Hygiene · American Society of Zoologists · Canadian Federation of Biological Societies · Canadian Society of Microbiologists · Genetics Society of America · Infectious Diseases Society of America · Microbiological Society of America · National Research Council — National Academy of Sciences · Pharmaceutical Manufacturers Association · Society for Leukocyte Biology · Society for Industrial Microbiology · Society of Protozoologists · Tissue Culture Association

Telephone: (301) 881-2600 · Telefax: (301) 770-2587 · Telex: ATCCROVE 908-768



BOARD OF TRUSTEES REPRESENTING

- American Association of Immunologists
- American Institute of Biological Sciences
- American Phytopathological Society
- American Society of Biological Chemists
- American Society for Microbiology
- American Society of Parasitologists
- American Society of Zoologists

- American Society of Tropical Medicine and Hygiene
- Genetics Society of America
- Infectious Diseases Society of America
- Mycological Society of America
- National Research Council-National Academy of Sciences
- Society of Protozoologists
- Tissue Culture Association

RECEIVED  
SEP 24 1980  
FITZPATRICK, CELLA, HARPER & SCINTO

• 301-881-2600

AMERICAN TYPE CULTURE COLLECTION

12301 PARKLAWN DRIVE  
ROCKVILLE, MARYLAND 20852

September 18, 1980

Fitzpatrick, Cella, Harper & Scinto  
277 Park Avenue  
New York, NY 10172

Re: Juridical Foundation, Japanese Foundation  
for Cancer Research

Attention: Mr. Nels T. Lippert

Gentlemen:

We received on September 16, 1980 a deposit of a culture of an organism identified as Escherichia coli X 1776/T<sub>p</sub> IF 139-13.

This strain has been assigned the ATCC number 31712.

We understand that this organism is being deposited in the American Type Culture Collection (ATCC) in connection with the filing of an application for a patent.

We further understand that the deposit of this culture does not grant to ATCC during the effective term of the patent anticipated a license, either express or implied, to infringe the patent, and our release of this culture to others does not grant them a license, either express or implied, to infringe the patent.

We further understand that if this culture should die or be destroyed during the effective life of the patent it shall be your responsibility to replace it with a living culture of the same organism.

We agree in consideration for a one-time service charge to preserve this culture and make it available for distribution for our usual fee for a period of 30 years from the date of deposit. Non-payment of the service charge within 90 days of the deposit date automatically relieves the ATCC from the above provisions.

Sincerely yours,

By: (Mrs.) Bobbie A. Brandon